

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Richard E. Clark,	:	
Plaintiff	:	Case No: C-1-01-846
v.	:	Judge Spiegel
Correctional Medical Services	:	DEFENDANTS MOTION FOR
		EXTENSION OF TIME TO FILE REPLY
		MEMORANDUM IN SUPPORT OF
		MOTION FOR SUMMARY JUDGMENT
(CMS), et al.	:	
Defendants.	:	

MOTION

Now come the defendants, CMS and Dr. Kohn, and, pursuant to Rule 7.3 of the Local Rules of the U.S. District Court for the Southern District of Ohio, respectfully moves this Court for an extension of time, until October 3, 2003, within which to file a Reply Memorandum in support of their Motion for Summary Judgment previously filed. Plaintiff's counsel has kindly agreed to this extension, the grounds for which are set forth below.

MEMORANDUM IN SUPPORT

The reply in question is due to be filed on September 26, 2003. Plaintiff had previously sought an extension to file his brief until September 19, 2003, which brief was timely filed, electronically. However, exhibits attached thereto were manually filed and were received in the office of the undersigned on September 25, 2003, the day before the reply brief is due. Further, the undersigned is beginning a trial before Judge Graham in District Court in Columbus on Monday, September 29, 2003¹, which trial is expected to last

¹Stanley v Worrells, case no. 99-CV-276.

only two days. However, much preparation time is required for the latter two days of this week for that case and counsel simply cannot complete this brief by the 26th and complete the trial preparation materials required for the case in Judge Graham's court, also due on the 26th.

This motion is not being made for purposes of delay as a one-week extension will have no effect on the Court's schedule previously set forth. Again, plaintiff's counsel has consented to this brief extension and no prior extensions have been requested.

For good cause shown, defendants respectfully request that this Court grant them an extension until October 3, 2003 to file their reply brief.

Respectfully submitted,

s/ Vincent J. Lodico
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Services and Helen Kohn, M.D.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed on September 25, 2003. Pursuant to the Court's electronic filing system, all parties hereto will be sent notice of this filing and that all parties hereto are registered to receive said notifications electronically. All parties will be able to access this filing upon notification by the Court.

s/ Vincent J. Lodico